



City of New Orleans
Mayor LaToya Cantrell

Board of Zoning Adjustments

Draft Agenda (Revised)

May 17, 2021

MEETING INFORMATION

LOCATION*

Livestream at:

http://cityofno.granicus.com/viewPublisher.php?view_id=2

and

https://www.youtube.com/channel/UCoE99Rj_b4gJiO3KnZjctjg/featured

*Interested parties without computer and/or internet access should contact staff at least one (1) week prior to the meeting to make arrangements.

TIME

10:00 a.m.

BOARD MEMBERS

Candice M. Forest – Chair
Todd C. James – Vice Chair
Tamara Agins
José Alvarez
Jaime Ramiro Diaz
Alfonso Gonzalez II
Matthew Rufo

The general public cannot speak with the members personally.

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The Board of Zoning Adjustments hereby certifies that it will convene a meeting on **May 17, 2021** electronically via Zoom in accordance with the provisions of La. R.S. 42:17.1(A)(2)(a)-(c).
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The Board of Zoning Adjustments consists of seven citizen members appointed by the Mayor and approved by the City Council. The City Charter grants the Board the power to permit exceptions to or variations from the City’s zoning regulations and to hear decision appeals from the Director of the Department of Safety and Permits in accordance with the principles, conditions, and procedures set forth in Article 4 of the City’s Comprehensive Zoning Ordinance. The decision made by the Board will be provided in the form of a resolution. The resolution should be produced by **May 27, 2021**.

GENERAL RULES OF ORDER

Robert’s Rules of Order govern the conduct of the meeting. In light of the virtual meeting format, any member of the public may provide written comment via a digital speaker card, in lieu of spoken public comment, during the meeting not to exceed two (2) minutes on any matter before the Board. A moderator will read comments into the record. The digital speaker card will be available the morning of the meeting on the City’s website: <https://nola.gov/city-planning/announcements/>

APPEALS

Any person or persons, or any officer, department, commission, board, bureau, or any other agency of the City of New Orleans jointly or singularly aggrieved by any decision of the Board of Zoning Adjustments may present to the Civil District Court of the Parish of Orleans, within thirty (30) days after filing of the decision in the office of the Board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana.

PUBLIC COMMENT

Should you wish to view an application you may do so online at onestopapp.nola.gov. The requested waivers are subject to change prior to the hearing. Written comments on any of the matters included on the agenda are accepted in the following ways:

- Email (**preferred**): CPCinfo@nola.gov or the planner listed on the agenda
- Mail: 1300 Perdido Street, Room 7W03, New Orleans, Louisiana 70112

All written correspondence should include the docket number and be made to the attention of the assigned planner or the staff of the Board of Zoning Adjustments. The deadline for receipt of public comment for transmittal to the Board in advance of the meeting is **no later than 5:00 p.m. on Monday, May 10, 2021.**

A. Call to Order, Roll Call, Adoption of Minutes, Communications, and Reading of Hearing Rules

Special Public Hearing Rules for Board of Zoning Adjustments Hearings held via Video Conference

- A. **Order of Business.** The order of business at the hearing shall be as follows:
- a. Call to order and roll call, with recording of members present.
 - b. Approval of Minutes
 - c. Reading and Adoption of the Hearing Rules
 - d. Presentation of Dockets.
 - i. Staff Presentation
 - ii. Applicant Presentation
 - iii. Questions from Members
 - e. Recess for 30 minutes
 - f. Consideration of Dockets
 - i. Public Comment
 - ii. Rebuttal by Applicant
 - iii. Questions from Members
 - iv. Voting
 - g. Adjournment
- B. **Presentation of Dockets.** The order of business for each docket shall be as follows:
- a. **Presentation by the City Planning Commission staff or the Department of Safety and Permits staff;**
 - b. **Presentation by the Applicant or their representative;** The appellant or applicant may appear on their behalf or be represented by a duly authorized agent. Only one representative may speak on behalf of a request and must pre-register with the staff of the City Planning Commission. Other representatives or speakers may sign up to provide comments during the public comment portion of the meeting. The applicant shall be allowed a maximum of five (5) minutes.
 - c. **Questions from Members.** The members have an opportunity to ask questions of the staff or applicant.
- C. **Recess.** The Board shall take a 30-minute recess to allow members of the public to submit comments.
- D. **Public Comment.**
- a. **Rules.** Only written public comment will be allowed. Live public comment will not be allowed. No member of the public may submit more than one written comment per agenda item.
 - b. **Time allowed for public comment.** The public comment form will be made available at the start of the meeting and will close at the end of the 30-minute recess.
 - c. **Form.** Public comments must be submitted electronically on the form provided by the City Planning Commission. Any comment missing this information will not be read aloud. Each submission must contain:
 - i. The commenter's first and last name,
 - ii. The commenter's address,
 - iii. Whether the commenter is being paid in connection with his or her comments,
 - iv. The agenda item
 - d. **Reading of Public Comments.** A moderator will read into the record all comments pertaining to that item that have been submitted in accordance with these rules.

Comments will be read aloud in a normal speaking voice. The moderator will discontinue reading a comment once it exceeds two (2) minutes.

- E. **Rebuttal by Applicant.** Following the public comment period, if there is opposition the authorized representative of the application is allowed a rebuttal not to exceed five (5) minutes.
- F. **Questions from Members.** Following the public comment and rebuttal, the members have an opportunity to ask questions of the staff or applicant.
- G. **Voting.**
 - a. **Making a motion.** The member making a motion shall clearly state their name when making a motion. For example, “I, (insert name), move to approve/deny/ the request.”
 - b. **Seconding a motion.** The member seconding a motion shall clearly state their name when seconding the motion. For example, “I, (insert name), second the motion made by (other member).”
 - c. **Statement by Chair.** The chair will restate the motion, confirming who made and seconded the motion.
 - d. **Voting.** The chair will request a verbal vote from each member by roll call. Each member will indicate “Yea” to vote in support of the motion, or “Nay” to vote in opposition.

A. Unfinished Business – Variances

Item 1 – Docket Number: 025-21

Applicant or Agent:	Schwegmann Family Trust #2, Mike West	
Property Location:	6007 Bullard Avenue	Zip: 70128
Bounding Streets:	Bullard Ave., I-10, Jahncke Canal, Levy Dr.	
Zoning District:	C-3 Heavy Commercial District	
Historic District:	N/A	Planning District: 9
Existing Use:	Restaurant, Fast Food	Square Number: Lakratt Tract
Proposed Use:	Restaurant, Fast Food	Lot Number: 3B-4-4
Project Planner:	Aspen Nero (asnero@nola.gov)	

Request: This request is for variances from the provisions of Article 15, Section 15.3.A.1 (Table 15-2), Article 15, Section 15.3.A.2, and Article 18, Section 18.16.B.3, Article 21, Section 21.5.C.1, Article 22, Section 22.8.B.2, and Article 22, Section 22.11.B to permit a fast food restaurant with excessive front yard setback and parking as a dominant visual element.

Requested Waivers:

Article 15, Section 15.3.A.1 (Table 15-2) – Front Yard Setback		
Permitted: 20 ft	Proposed: 48.16 ft	Waiver: 28.16 ft
Article 15, Section 15.3.A.2 – Front Yard Build-To Line		
Permitted: 20 ft	Proposed: 48.16 ft	Waiver: 28.16 ft
Article 18, Section 18.16.B.3 – Design Requirements		
Required: Parking not dominant visual element		
Provided: Parking dominant visual element		
Waiver: Parking dominant visual element		



Item 2 – Docket Number: 042-21 (Automatically Deferred from April 19 Meeting)

Applicant or Agent: Tracie L. Ashe
Property Location: 815 Alvar Street **Zip:** 70117
Bounding Streets: Alvar St., Dauphine St., Bartholomew St., Burgundy St.
Zoning District: HMR-3 Historic Marigny/Tremé/Bywater Residential District
Historic District: Bywater **Planning District:** 7
Existing Use: Single-Family Residence **Square Number:** 242
Proposed Use: Single-Family Residence **Lot Number:** 1 and 2
Project Planner: Valerie Goines (valerie.goines@nola.gov)

Request: This request is for variances from the provisions of Article 9, Section 9.2.A (Table 9-2), Article 9, Section 9.3.C, Article 21, Section 21.6.N.1.a, and Article 21, Section 21.6.T.1 of the Comprehensive Zoning Ordinance to permit an addition to an existing single-family residence resulting in open space that is not permeable, a fence with excessive height, and mechanical equipment located in the front yard.

Requested Waivers:**Article 9, Section 9.3.C – Open Space**

Required: 507 ft² Proposed: 144 ft² Waiver: 363 ft²

Article 21, Section 21.6.N.1.a – Fence Height

Permitted: 7 feet Proposed: 10 feet Waiver: 3 feet

Article 21, Section 21.6.T.1 – Mechanical Equipment

Required: Located only in an interior side or rear yard

Proposed: Located in a front yard

Waiver: Located in a front yard

B. Unfinished Business – Director of Safety and Permits Decision Appeals**Item 3 – Docket Number: 037-21**

Applicant or Agent: Sherman Strategies, LLC
Property Location: 2200-22 Poydras Street, 2201 Lafayette Street **Zip:** 70119
Bounding Streets: Poydras St., S. Tonti St., Lafayette St., S. Galvez St.
Zoning District: MU-2 High Intensity Mixed-Use District
Historic District: N/A **Planning District:** 2
Existing Use: Restaurant, Carry-Out **Square Number:** 530-545
Proposed Use: Catering Kitchen **Lot Number:** 1-A, 2-A

Request: This is an appeal of a decision of the Director of the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance regarding the determination that a "ghost kitchen" is classified as a "carry-out restaurant" rather than a "catering kitchen."

C. New Business – Variances**Item 4 – Docket Number: 043-21**

Applicant or Agent: GHK-BCDC Elysian Fields Storage LLC, G.H.K. Developments, Inc.
Property Location: 2156 Agriculture Street **Zip:** 70122
Bounding Streets: Agriculture St., Elysian Fields Ave., Florida Ave., Frenchmen St.
Zoning District: LI Light Industrial District
Historic District: N/A **Planning District:** 7
Existing Use: Mini-Warehouse **Square Number:** 1588
Proposed Use: Mini-Warehouse **Lot Number:** Y-1-F-1
Project Planner: Emily Ramírez Hernández (erhernandez@nola.gov)

Request: This request is for a variance from the provisions of Article 24, Section 24.11.F.4.b of the Comprehensive Zoning Ordinance to permit a wall sign on the interior side building wall.

Requested Waiver:**Article 24, Section 24.11.F.4.b – Wall Signs (Location)**

Required: Wall sign on front or corner building wall

Proposed: Wall sign on interior side building wall

Waiver: Wall sign on interior side building wall

**Item 5 – Docket Number: 044-21**

Applicant or Agent: New Orleans Firefighter’s Pension and Relief Fund, New Orleans Fire Fighters Local 632 Bldg, Thomas Meagher
Property Location: 5710 General Haig Street **Zip:** 70124
Bounding Streets: Kenilworth St., Argonne St., New Orleans Terminal Co. RR., General Haig St.
Zoning District: S-LRS1 Suburban Lakeview Single-Family Residential District
Historic District: N/A **Planning District:** 5
Existing Use: Vacant Lot **Square Number:** 401
Proposed Use: Government Offices **Lot Number:** 5A
Project Planner: Robin C. Jones (rcjones@nola.gov)

Request: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) of the Comprehensive Zoning Ordinance to permit a government office on a lot with insufficient lot area and insufficient lot width.

Requested Waivers:**Article 13, Section 13.3.A.1 (Table 13-2) – Lot Area**

Required: 20,000 ft² Provided: 14,313.52 ft² Waiver: 5,686.48 ft²

Article 13, Section 13.3.A.1 (Table 13-2) – Lot Width

Required: 100 ft Provided: 87.62 ft Waiver: 12.38 ft



Item 6 – Docket Number: 045-21

Applicant or Agent: Andrew Associates LLC, Valerie B. Marcus, Kenneth Gowland
Property Location: 3401 St. Charles Avenue **Zip:** 70115
Bounding Streets: St. Charles Ave., Delachaise St., Carondelet St., Louisiana Ave.
Zoning District: HU-MU Historic Urban Neighborhood Mixed-Use District
Historic District: Garden District, Saint Charles Avenue **Planning District:** 2
Existing Use: Vacant Building **Square Number:** 424
Proposed Use: Mixed-Use **Lot Number:** PMG, A-B, Pt. E,
Project Planner: Joseph A. Colón (jacolon@nola.gov)

Request: This request is for variances from the provisions of Article 12, Section 12.3.A.1 (Table 12-2) of the Comprehensive Zoning Ordinance to permit a mixed-use development (multi-family/commercial) with insufficient lot area per dwelling unit and excessive building height.

Requested Waivers:

Article 12, Section 12.3.A.1 (Table 12-2) – Minimum Lot Area
 Required: 93,200 ft² Proposed: 91,670 ft² Waiver: 1,530 ft²
Article 12, Section 12.3.A.1 (Table 12-2) - Maximum Building Height
 Permitted: 40 ft/3 stories Proposed: 65 ft/5 stories Waiver: 25 ft/2 stories

D. New Business – Variances (Automatically Deferred to June 21 Meeting)

Item 7 – Docket Number: 046-21

Applicant or Agent: J’Reaux Ventures LLC, John Romant
Property Location: 5651 West End Boulevard **Zip:** 70124
Bounding Streets: West End Blvd., 1-10 Hwy., Catina St., Homedale Ave.
Zoning District: S-LRS1 Suburban Lakeview Single-Family Residential District
Historic District: N/A **Planning District:** 5
Existing Use: Vacant Lot **Square Number:** 428
Proposed Use: Single-Family Residence **Lot Number:** 19-A
Project Planner: TBD

Request: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with insufficient front yard setback and insufficient rear yard setback.

Requested Waivers:

Article 13, Section 13.3.A.1 (Table 13-2) – Front Yard
 Required: 20 ft Proposed: 10 ft Waiver: 10 ft
Article 13, Section 13.3.A.1 (Table 13-2) – Rear Yard
 Required: 20 ft Provided: 0 ft Waiver: 20 ft



Item 8 – Docket Number: 047-21

Applicant or Agent: Stephen W. Davidson, Jessica H. Davidson
Property Location: 3 Flamingo Street **Zip:** 70124
Bounding Streets: Flamingo St., Robert E. Lee Blvd., Geranium Ln., Floral Park St.
Zoning District: S-LRS2 Suburban Lake Vista and Lake Shore Single-Family Residential District
Historic District: N/A **Planning District:** 5
Existing Use: Single-Family Residence **Square Number:** 33
Proposed Use: Single-Family Residence **Lot Number:** 3, 4, 5
Project Planner: TBD

Request: This request is for a variance from the provisions of Article 21, Section 21.6.EE.1 of the Comprehensive Zoning Ordinance to permit a swimming pool in the front yard.

Requested Waiver:

Article 21, Section 21.6.EE.1 – Swimming Pool Location

Required: Required rear or interior side yard
Proposed: Front yard
Waiver: Front yard



Item 9 – Docket Number: 048-21

Applicant or Agent: Bayou District Foundation, Vann Joines
Property Location: 1543 Sere Street **Zip:** 70122
Bounding Streets: St. Dennis St., Paris Ave., Sere St., Hamburg St.
Zoning District: S-RD Suburban Two-Family Residential District
Historic District: N/A **Planning District:** 4
Existing Use: Vacant Lot **Square Number:** 2481
Proposed Use: Single-Family Residence **Lot Number:** A
Project Planner: TBD

Request: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) to permit the construction of a single-family residence with insufficient permeable open space and insufficient front yard setback.

Requested Waivers:

Article 13, Section 13.3.A.1 (Table 13-2) – Permeable Open Space

Required: 40% Proposed: 33% Waiver: 7%

Article 13, Section 13.3.A.1 (Table 13-2) – Front Yard Setback

Required: 20 ft Proposed: 6 ft, 3 ¼ in Waiver: 13 ft, 8 ¾ in



Item 13 – Docket Number: 052-21

Applicant or Agent: Grady Fitzpatrick
Property Location: 1407-1409 Broadway Street **Zip:** 70118
Bounding Streets: Broadway St., Jeanette St., Audubon St., Willow St.
Zoning District: HU-RD1 Historic Urban Two-Family Residential District
Historic District: Uptown **Planning District:** 3
Existing Use: Multi-Family Residence **Square Number:** 19
Proposed Use: Subject of Appeal **Lot Number:** E

Request: This is an appeal of a decision of the Director of the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance regarding the reissuance of Permit No. 20-04351-RNVS.

F. Adjournment